

## Rule 1007. Lists, Schedules, Statements, and Other Documents; Time Limits\*\*

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\*\*Incorporates amendments approved by the Supreme Court scheduled to take effect on December 1, 2009, if Congress takes no action to the contrary.

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11           (c)   TIME LIMITS. In a voluntary case, the schedules,  
12           statements, and other documents required by subdivision  
13           (b)(1), (4), (5), and (6) shall be filed with the petition or  
14           within 14 days thereafter, except as otherwise provided in  
15           subdivisions (d), (e), (f), and (h) of this rule. In an  
16           involuntary case, the list in subdivision (a)(2), and the  
17           schedules, statements, and other documents required by  
18           subdivision (b)(1) shall be filed by the debtor within 14 days  
19           of the entry of the order for relief. In a voluntary case, the  
20           documents required by paragraphs (A), (C), and (D) of  
21           subdivision (b)(3) shall be filed with the petition. Unless the  
22           court orders otherwise, a debtor who has filed a statement  
23           under subdivision (b)(3)(B), shall file the documents required  
24           by subdivision (b)(3)(A) within 14 days of the order for  
25           relief. In a chapter 7 case, the debtor shall file the statement  
26           required by subdivision (b)(7) within ~~45~~ 60 days after the  
27           first date set for the meeting of creditors under § 341 of the

28 Code, and in a chapter 11 or 13 case no later than the date  
29 when the last payment was made by the debtor as required by  
30 the plan or the filing of a motion for a discharge under  
31 § 1141(d)(5)(B) or § 1328(b) of the Code. The court may, at  
32 any time and in its discretion, enlarge the time to file the  
33 statement required by subdivision (b)(7). The debtor shall  
34 file the statement required by subdivision (b)(8) no earlier  
35 than the date of the last payment made under the plan or the  
36 date of the filing of a motion for a discharge under  
37 §§ 1141(d)(5)(B), 1228(b), or 1328(b) of the Code. Lists,  
38 schedules, statements, and other documents filed prior to the  
39 conversion of a case to another chapter shall be deemed filed  
40 in the converted case unless the court directs otherwise.  
41 Except as provided in § 1116(3), any extension of time to file  
42 schedules, statements, and other documents required under  
43 this rule may be granted only on motion for cause shown and  
44 on notice to the United States trustee, any committee elected

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under § 705 or appointed under § 1102 of the Code, trustee,  
examiner, or other party as the court may direct. Notice of an  
extension shall be given to the United States trustee and to  
any committee, trustee, or other party as the court may direct.

49 \* \* \* \* \*

## COMMITTEE NOTE

**Subdivision (a)(2).** Subdivision (a)(2) is amended to shorten the time for a debtor to file a list of the creditors included on the various schedules filed or to be filed in the case. This list provides the information necessary for the clerk to provide notice of the § 341 meeting of creditors in a timely manner.

**Subdivision (c).** Subdivision (c) is amended to provide additional time for individual debtors in chapter 7 to file the statement of completion of a course in personal financial management. This change is made in conjunction with an amendment to Rule 5009 requiring the clerk to provide notice to debtors of the consequences of not filing the statement in a timely manner.

### Changes Made After Publication:

No changes since publication.

**Rule 1014. Dismissal and Change of Venue**

\* \* \* \* \*

(b) PROCEDURE WHEN PETITIONS INVOLVING THE SAME DEBTOR OR RELATED DEBTORS ARE FILED IN DIFFERENT COURTS. If petitions commencing cases under the Code or seeking recognition under chapter 15 are filed in different districts by, regarding, or against (1) the same debtor, ~~or~~ (2) a partnership and one or more of its general partners, ~~or~~ (3) two or more general partners, or (4) a debtor and an affiliate, on motion filed in the district in which the petition filed first is pending and after hearing on notice to the petitioners, the United States trustee, and other entities as directed by the court, the court may determine, in the interest of justice or for the convenience of the parties, the district or districts in which the case or cases should proceed. Except as otherwise ordered by the court in the district in which the petition filed first is pending, the proceedings on

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17 the other petitions shall be stayed by the courts in which they  
18 have been filed until the determination is made.

#### COMMITTEE NOTE

**Subdivision (b).** Subdivision (b) of the rule is amended to provide that petitions for recognition of a foreign proceeding are included among those that are governed by the procedure for determining where cases should go forward when multiple petitions involving the same debtor are filed. The amendment adds a specific reference to chapter 15 petitions and also provides that the rule governs proceedings regarding a debtor as well as those that are filed by or against a debtor.

Other changes are stylistic.

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#### Changes Made After Publication:

No changes since publication.

#### **Rule 1015. Consolidation or Joint Administration of Cases Pending in Same Court**

1 (a) CASES INVOLVING SAME DEBTOR. If two or  
2 more petitions by, regarding, or against the same debtor are

3 pending in the same court ~~by or against the same debtor~~, the  
4 court may order consolidation of the cases.

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### COMMITTEE NOTE

**Subdivision (a).** By amending subdivision (a) to include cases regarding the same debtor, the rule explicitly recognizes that the court's authority to consolidate cases when more than one petition is filed includes the authority to consolidate cases when one or more of the petitions is filed under chapter 15. This amendment is made in conjunction with the amendment to Rule 1014(b), which also governs petitions filed under chapter 15 regarding the same debtor as well as those filed by or against the debtor.

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#### Changes Made After Publication:

No changes since publication.

#### **Rule 1018. Contested Involuntary Petitions; Contested Petitions Commencing Ancillary Chapter 15 Cases; Proceedings to Vacate Order for Relief; Applicability of Rules in Part VII Governing Adversary Proceedings**

1 Unless the court otherwise directs and except as  
2 otherwise prescribed in Part I of these rules, the ~~The~~

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3       following rules in Part VII apply to all proceedings ~~relating~~  
4       ~~to a contested~~ contesting an involuntary petition, ~~to~~  
5       ~~proceedings relating to a contested~~ petition or a chapter 15  
6       petition for recognition ~~commencing a case ancillary to a~~  
7       ~~foreign proceeding~~, and to all proceedings to vacate an order  
8       for relief: Rules 7005, 7008-7010, 7015, 7016, 7024-7026,  
9       7028-7037, 7052, 7054, 7056, and 7062, ~~except as otherwise~~  
10      ~~provided in Part I of these rules and unless the court~~  
11      ~~otherwise directs~~. The court may direct that other rules in  
12      Part VII shall also apply. For the purposes of this rule a  
13      reference in the Part VII rules to adversary proceedings shall  
14      be read as a reference to proceedings ~~relating to a contested~~  
15      contesting an involuntary petition, ~~or contested ancillary~~  
16      petition or a chapter 15 petition for recognition, or  
17      proceedings to vacate an order for relief. Reference in the  
18      Federal Rules of Civil Procedure to the complaint shall be  
19      read as a reference to the petition.

**COMMITTEE NOTE**

The rule is amended to reflect the enactment of chapter 15 of the Code in 2005. As to chapter 15 cases, the rule applies to contests over the petition for recognition and not to all matters that arise in the case. Thus, proceedings governed by § 1519(e) and § 1521(e) of the Code must comply with Rules 7001(7) and 7065, which provide that actions for injunctive relief are adversary proceedings governed by Part VII of the rules. The rule is also amended to clarify that it applies to contests over an involuntary petition, and not to matters merely “relating to” a contested involuntary petition. Matters that may arise in a chapter 15 case or an involuntary case, other than contests over the petition itself, are governed by the otherwise applicable rules.

Other changes are stylistic.

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Changes Made After Publication:

No changes since publication.

**Rule 1019. Conversion of a Chapter 11 Reorganization Case, Chapter 12 Family Farmer’s Debt Adjustment Case, or Chapter 13 Individual’s Debt Adjustment Case to a Chapter 7 Liquidation Case**

- 1           When a chapter 11, chapter 12, or chapter 13 case has
- 2           been converted or reconverted to a chapter 7 case:

3 \* \* \* \* \*

4 (2) *New Filing Periods.*

5 (A) A new time period for filing a motion  
6 under § 707(b) or (c), a claim, a complaint objecting to  
7 discharge, or a complaint to obtain a determination of  
8 dischargeability of any debt shall commence under Rules  
9 1017, 3002, 4004, or 4007, but a new time period shall not  
10 commence if a chapter 7 case had been converted to a chapter  
11 11, 12, or 13 case and thereafter reconverted to a chapter 7  
12 case and the time for filing a motion under § 707(b) or (c), a  
13 claim, a complaint objecting to discharge, or a complaint to  
14 obtain a determination of the dischargeability of any debt, or  
15 any extension thereof, expired in the original chapter 7 case.

16 (B) A new time period for filing an objection  
17 to a claim of exemptions shall commence under Rule 4003(b)  
18 after conversion of a case to chapter 7 unless:

- 19 (i) the case was converted to chapter  
 20 7 more than one year after the entry of the first order  
 21 confirming a plan under chapter 11, 12, or 13; or  
 22 (ii) the case was previously pending in  
 23 chapter 7 and the time to object to a claimed exemption had  
 24 expired in the original chapter 7 case.

25 \* \* \* \* \*

### COMMITTEE NOTE

**Subdivision (2).** Subdivision (2) is redesignated as subdivision (2)(A), and a new subdivision (2)(B) is added to the rule. Subdivision (2)(B) provides that a new time period to object to a claim of exemption arises when a case is converted to chapter 7 from chapter 11, 12, or 13. The new time period does not arise, however, if the conversion occurs more than one year after the first order confirming a plan, even if the plan was subsequently modified. A new objection period also does not arise if the case was previously pending under chapter 7 and the objection period had expired in the prior chapter 7 case.

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#### Changes Made After Publication:

No changes since publication.

**Rule 4001. Relief from Automatic Stay; Prohibiting or  
Conditioning the Use, Sale, or Lease of Property; Use of  
Cash Collateral; Obtaining Credit; Agreements**

1 \* \* \* \* \*

2 (d) AGREEMENT RELATING TO RELIEF FROM  
3 THE AUTOMATIC STAY, PROHIBITING OR  
4 CONDITIONING THE USE, SALE, OR LEASE OF  
5 PROPERTY, PROVIDING ADEQUATE PROTECTION,  
6 USE OF CASH COLLATERAL, AND OBTAINING  
7 CREDIT.

8 \* \* \* \* \*

9 (2) *Objection.* Notice of the motion and the time  
10 within which objections may be filed and served on the  
11 debtor in possession or trustee shall be mailed to the parties  
12 on whom service is required by paragraph (1) of this  
13 subdivision and to such other entities as the court may direct.  
14 Unless the court fixes a different time, objections may be  
15 filed within ~~15~~ 14 days of the mailing of the notice.

16 (3) *Disposition; Hearing.* If no objection is filed,  
 17 the court may enter an order approving or disapproving the  
 18 agreement without conducting a hearing. If an objection is  
 19 filed or if the court determines a hearing is appropriate, the  
 20 court shall hold a hearing on no less than ~~five~~ seven days'  
 21 notice to the objector, the movant, the parties on whom  
 22 service is required by paragraph (1) of this subdivision and  
 23 such other entities as the court may direct.

24 \* \* \* \* \*

### COMMITTEE NOTE

**Subdivision (d).** Subdivision (d) is amended to implement changes in connection with the 2009 amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadlines in subdivision (d)(2) and (d)(3) are amended to substitute deadlines that are multiples of seven days. Throughout the rules, deadlines have been amended in the following manner:

- 5 day periods become 7 day periods
  - 10 day periods become 14 day periods
  - 15 day periods become 14 day periods
  - 20 day periods become 21 day periods
  - 25 day periods become 28 day periods
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Final approval of the amendments to this rule is sought without publication.

**Rule 4004. Grant or Denial of Discharge<sup>\*\*\*</sup>**

1 (a) TIME FOR FILING COMPLAINT OBJECTING  
2 TO DISCHARGE; NOTICE OF TIME FIXED. In a chapter  
3 7 liquidation case, a complaint, or a motion under § 727(a)(8)  
4 or (a)(9) of the Code, objecting to the debtor's discharge  
5 under § 727(a) of the Code shall be filed no later than 60 days  
6 after the first date set for the meeting of creditors under  
7 § 341(a). In a chapter 11 reorganization case, the complaint  
8 shall be filed no later than the first date set for the hearing on  
9 confirmation. In a chapter 13 case, a motion objecting to the  
10 debtor's discharge under § 1328(f) shall be filed no later than  
11 60 days after the first date set for the meeting of creditors

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<sup>\*\*\*</sup> Incorporates amendments approved by the Supreme Court scheduled to take effect on December 1, 2009, if Congress takes no action to the contrary.

12 under § 341(a). At least 28 days' notice of the time so fixed  
13 shall be given to the United States trustee and all creditors as  
14 provided in Rule 2002(f) and (k) and to the trustee and the  
15 trustee's attorney.

16 \* \* \* \* \*

17 (c) GRANT OF DISCHARGE.

18 (1) In a chapter 7 case, on expiration of the ~~time~~  
19 times fixed for ~~filing a complaint~~ objecting to discharge and  
20 ~~the time fixed~~ for filing a motion to dismiss the case under  
21 Rule 1017(e), the court shall forthwith grant the discharge  
22 unless:

23 (A) the debtor is not an individual;

24 (B) a complaint, or a motion under  
25 § 727(a)(8) or (a)(9), objecting to the discharge has been filed  
26 and not decided in the debtor's favor;

27 \* \* \* \* \*

28 (4) In a chapter 11 case in which the debtor is an  
29 individual, or a chapter 13 case, the court shall not grant a  
30 discharge if the debtor has not filed any statement required by  
31 Rule 1007(b)(7).

32 (d) APPLICABILITY OF RULES IN PART VII AND  
33 RULE 9014. An objection to discharge ~~A proceeding~~  
34 ~~commenced by a complaint objecting to discharge is~~  
35 governed by Part VII of these rules, except that an objection  
36 to discharge under §§ 727(a)(8), (a)(9), or 1328(f) is  
37 commenced by motion and governed by Rule 9014.

38 \* \* \* \* \*

### COMMITTEE NOTE

**Subdivision (a).** Subdivision (a) is amended to include a deadline for filing a motion objecting to a debtor's discharge under §§ 727(a)(8), (a)(9), or 1328(f) of the Code. These sections establish time limits on the issuance of discharges in successive bankruptcy cases by the same debtor.

**Subdivision (c).** Subdivision (c)(1) is amended because a corresponding amendment to subdivision (d) directs certain objections to discharge to be brought by motion rather than by complaint. Subparagraph (c)(1)(B) directs the court not to grant a

discharge if a motion or complaint objecting to discharge has been filed unless the objection has been decided in the debtor's favor.

Subdivision (c)(4) is new. It directs the court in chapter 11 and 13 cases to withhold the entry of the discharge if an individual debtor has not filed a statement of completion of a course concerning personal financial management as required by Rule 1007(b)(7).

**Subdivision (d).** Subdivision (d) is amended to direct that objections to discharge under §§ 727(a)(8), (a)(9), and 1328(f) be commenced by motion rather than by complaint. Objections under the specified provisions are contested matters governed by Rule 9014. The title of the subdivision is also amended to reflect this change.

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Changes Made After Publication:

Subdivision (d) was amended to provide that objections to discharge under §§ 727(a)(8), (a)(9), and 1328(f) are commenced by motion rather than by complaint and are governed by Rule 9014. Because of the relocation of this provision from the previously proposed Rule 7001(b), subdivisions (a) and (c)(1) of this rule were revised to change references to “motion under Rule 7001(b)” to “motion under § 727(a)(8) or (a)(9).” Other stylistic changes were made to the rule, and the Committee Note was revised to reflect these changes.

**Rule 5009. Closing Chapter 7 Liquidation, Chapter 12 Family Farmer's Debt Adjustment, and Chapter 13 Individual's Debt Adjustment, and Chapter 15 Ancillary and Cross-Border Cases**

1           (a) CASES UNDER CHAPTERS 7, 12, AND 13. If  
2           in a chapter 7, chapter 12, or chapter 13 case the trustee has  
3           filed a final report and final account and has certified that the  
4           estate has been fully administered, and if within 30 days no  
5           objection has been filed by the United States trustee or a party  
6           in interest, there shall be a presumption that the estate has  
7           been fully administered.

8           (b) NOTICE OF FAILURE TO FILE RULE  
9           1007(b)(7) STATEMENT. If an individual debtor in a  
10          chapter 7 or 13 case has not filed the statement required by  
11          Rule 1007(b)(7) within 45 days after the first date set for the  
12          meeting of creditors under § 341(a) of the Code, the clerk  
13          shall promptly notify the debtor that the case will be closed  
14          without entry of a discharge unless the statement is filed  
15          within the applicable time limit under Rule 1007(c).

16          (c) CASES UNDER CHAPTER 15. A foreign  
17          representative in a proceeding recognized under § 1517 of the

18 Code shall file a final report when the purpose of the  
19 representative's appearance in the court is completed. The  
20 report shall describe the nature and results of the  
21 representative's activities in the court. The foreign  
22 representative shall transmit the report to the United States  
23 trustee, and give notice of its filing to the debtor, all persons  
24 or bodies authorized to administer foreign proceedings of the  
25 debtor, all parties to litigation pending in the United States in  
26 which the debtor was a party at the time of the filing of the  
27 petition, and such other entities as the court may direct. The  
28 foreign representative shall file a certificate with the court  
29 that notice has been given. If no objection has been filed by  
30 the United States trustee or a party in interest within 30 days  
31 after the certificate is filed, there shall be a presumption that  
32 the case has been fully administered.

#### COMMITTEE NOTE

**Subdivisions (a) and (b).** The rule is amended to redesignate the former rule as subdivision (a) and to add new subdivisions (b) and

(c) to the rule. Subdivision (b) requires the clerk to provide notice to an individual debtor in a chapter 7 or 13 case that the case may be closed without the entry of a discharge due to the failure of the debtor to file a timely statement of completion of a personal financial management course. The purpose of the notice is to provide the debtor with an opportunity to complete the course and file the appropriate document prior to the filing deadline. Timely filing of the document avoids the need for a motion to extend the time retroactively. It also avoids the potential for closing the case without discharge, and the possible need to pay an additional fee in connection with reopening. Timely filing also benefits the clerk's office by reducing the number of instances in which cases must be reopened.

**Subdivision (c).** Subdivision (c) requires a foreign representative in a chapter 15 case to file a final report setting out the foreign representative's actions and results obtained in the United States court. It also requires the foreign representative to give notice of the filing of the report, and provides interested parties with 30 days to object to the report after the foreign representative has certified that notice has been given. In the absence of a timely objection, a presumption arises that the case is fully administered, and the case may be closed.

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Changes Made After Publication:

No changes since publication.

**Rule 5012. Agreements Concerning Coordination of Proceedings in Chapter 15 Cases**

1       Approval of an agreement under § 1527(4) of the Code  
2       shall be sought by motion. The movant shall attach to the  
3       motion a copy of the proposed agreement or protocol and,  
4       unless the court directs otherwise, give at least 30 days’  
5       notice of any hearing on the motion by transmitting the  
6       motion to the United States trustee, and serving it on the  
7       debtor, all persons or bodies authorized to administer foreign  
8       proceedings of the debtor, all entities against whom  
9       provisional relief is being sought under § 1519, all parties to  
10      litigation pending in the United States in which the debtor  
11      was a party at the time of the filing of the petition, and such  
12      other entities as the court may direct.

#### COMMITTEE NOTE

This rule is new. In chapter 15 cases, any party in interest may seek approval of an agreement, frequently referred to as a “protocol,” that will assist with the conduct of the case. Because the needs of the courts and the parties may vary greatly from case to case, the rule does not attempt to limit the form or scope of a protocol. Rather, the rule simply requires that approval of a particular protocol be sought by motion, and designates the persons entitled to notice of the hearing on the motion. These agreements, or

### Changes Made After Publication:

## Rule 7001. Scope of Rules of Part VII

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7 \* \* \* \* \*

## COMMITTEE NOTE

Paragraph (4) of the rule is amended to create an exception for objections to discharge under §§ 727(a)(8), (a)(9), and 1328(f) of the Code. Because objections to discharge on these grounds typically present issues more easily resolved than other objections to discharge, the more formal procedures applicable to adversary proceedings, such as commencement by a complaint, are not required. Instead, objections on these three grounds are governed by Rule 4004(d). In an appropriate case, however, Rule 9014(c) allows the court to order that additional provisions of Part VII of the rules apply to these matters.

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Changes Made After Publication:

The proposed addition of subsection (b) was deleted, and the content of that provision was moved to Rule 4004(d). The exception in paragraph (4) of the rule was revised to refer to objections to discharge under §§ 727(a)(8), (a)(9), and 1328(f) of the Code. The redesignation of the existing rule as subdivision (a) was also deleted. The Committee Note was revised to reflect these changes.

**Rule 9001. General Definitions**

1           The definitions of words and phrases in §§ 101, § 902,  
2           ~~and § 1101, and 1502 of the Code,~~ and the rules of  
3           construction in § 102, ~~of the Code~~ govern their use in these

rules. In addition, the following words and phrases used in  
these rules have the meanings indicated:

\* \* \* \* \*

The rule is amended to add § 1502 of the Code to the list of definitional provisions that are applicable to the Rules. That section was added to the Code by the 2005 amendments.

### Changes Made After Publication:

No changes since publication.

The form, which follows on the next page, is amended as indicated to conform to the amendment of the filing deadline under Rule 1007(c). Final approval is sought without publication. The amendment to the form is to become effective upon the effective date of the amendment to Rule 1007(c) – December 1, 2010.